

**POULTRY****27039. Dressed poultry. (Inj. No. 304.)**

**COMPLAINT FOR INJUNCTION FILED:** 12-21-56, W. Dist. N.C., against the Hanline Poultry Co., a corporation, Charlotte, N.C., and William C. Hanline, president and treasurer of the corporation.

**CHARGE:** The complaint alleged that the defendants were engaged in preparing and distributing dressed, eviscerated poultry and had been and were causing to be introduced and delivered for introduction into interstate commerce such poultry which was adulterated within the meaning of 402(a) (3) and (4) by reason of the presence in the poultry of fecal material, crop material, intestines, sex organs, gall bladders, and other inedible viscera, and by reason of the preparation, packing and holding of the poultry at defendants' plant under insanitary conditions.

It was alleged further that the insanitary conditions resulted from and consisted of the presence of fecal matter, feathers, intestines and other offal, and other miscellaneous dirt and debris on the floors in and around the equipment used in the preparing, packing, and storing of poultry; the method of making the abdominal cut which severs several loops of the intestines causing fecal material to be spread over the inside of the body cavity; the use of dirty ice in packing the finished product, storing knives and steel sharpener in the offal trough under the line where the opening cut is made on the birds; placing birds which had fallen on the floor on the line or into chill tanks without washing them; and other similar insanitary practices on the part of the defendants and their employees whereby the poultry prepared, packed, and held in the plant was subjected to contamination.

The complaint alleged further that the defendants were well aware that their activities were in violation of the law; that various inspections had been made of the defendants' plant by the Food and Drug Administration; that notice of hearing pursuant to Section 305 had been issued to the defendants; and that despite such warnings, the defendants failed to correct the insanitary conditions in the plant and continued to introduce into interstate commerce poultry which was adulterated as described above.

**DISPOSITION:** On 1-7-57, the defendants having consented to the entry of a decree without admitting any violations of the Act, the court entered a decree of preliminary injunction which enjoined and restrained the defendants, pending a final hearing on the matter, from introducing or causing to be introduced into interstate commerce dressed eviscerated poultry or any other such article of food which was so contaminated or packed as to render such food adulterated within the meaning of 402(a) (3) and (4).

On 11-13-58, the court having found that the defendant corporation had discontinued its poultry processing business as of 10-23-58, and had issued a notice to creditors to consider liquidation of the firm's assets, an order was entered to vacate the preliminary injunction and dismiss the action.

**27040. Dressed poultry. (F.D.C. No. 39847. S. Nos. 62-613 M, 69-393 M.)**

**INFORMATION FILED:** 11-13-58, W. Dist. N.C., against the Hanline Poultry Co., a corporation, Charlotte, N.C.

**SHIPPED:** 6-26-57 and 7-30-57, from North Carolina to New York and Pennsylvania.

CHARGE: 402(a)(3)—contained crop material and fecal matter; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 11-13-58. \$500 fine.

### VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

27041. Abundavita vitamin tablets, Abundavita mineral tablets, and Abundagreen. (F.D.C. No. 44197. S. Nos. 50-087/8 P, 50-622 P, 71-058/9 P.)

QUANTITY: 14 cases, each containing 12 btls., of Abundavita mineral tablets, 6 cases, each containing 24 1-lb. bags of Abundagreen; and 104 btls. of Abundavita vitamin tablets, at Cincinnati, Ohio, in possession of Bruce Helvie.

SHIPPED: On various dates during the latter part of 1959 and in January 1960, from Long Beach, Calif., by Abundavita Corp. of America.

LABEL IN PART: (Btl.) "Abundavita Food Supplement Mineral Tablets Natural or Organic \* \* \* In an exclusive \*Hunza Base (\*Specially Prepared Selected Grasses Grown on the Hunza Farm in Natural Occurring Glacial Silt) \* \* \* Formulated for and Distributed by Abundavita Corporation of America \* \* \* Long Beach, California"; (bag) "All Purpose Abundagreen Natural Organic From Specially Prepared Selected Grasses Grown on the Hunza Farm in Natural Occurring Glacial Silt \* \* \* Abundavita Corporation of America \* \* \* Long Beach 5, Calif." and (btl.) "Abundavita Food Supplement Vitamin Tablets \* \* \* Two tablets daily will supply \* \* \* In an exclusive \*Hunza Base (\*Specially Prepared Selected Grasses Grown on the Hunza Farm in Natural Occurring Glacial Silt) \* \* \* Abundavita Corporation of America \* \* \* Long Beach 5, Calif."

ACCOMPANYING LABELING: Booklet entitled "A New Way of Life For You and Your Family"; leaflets entitled "A New Way of Life," "The Hunza Farm," "Abundavita Food Supplement" and "Abundavita Beverage"; window sign entitled "Don't Grow Old Too Young! Eat Hunza Grass and Abundavita"; and placards entitled "How Do You Feel . ." and "Most Economical \* \* \* Abundavita and Hunza."

RESULTS OF INVESTIGATION: The window sign and the placards were prepared locally by or on behalf of the dealer and the booklet and leaflets were received by the dealer from or on behalf of the Abundavita Corp. of America.

CHARGE: 403(a)—when shipped and while held for sale, the labeling of the articles contained false and misleading representations that the food supplies generally available are nutritionally deficient and inferior and that they lack sufficient amounts of the vitamins and minerals contained in the articles, and that the articles would supply significant quantities of vitamins, minerals, and proteins to the diet in view of their content of "Hunza" grass; and

403(j)—the articles purported to be and were represented as foods for special dietary uses by reason of their vitamin or mineral content and by reason of the vitamin, mineral, and protein content of the "Hunza" grass contained in the articles, and their labels failed to bear, as required by the regulations (mineral tablets and Abundagreen), a statement of the minimum daily requirements of vitamin A, vitamin B<sub>1</sub>, vitamin C, vitamin D, riboflavin, or niacin or niacinamide supplied by such foods when consumed in a specified quantity during a period of one day, and (Abundagreen and vitamin tablets) a